

I. INTRODUCTION

Purpose

The annual leave sharing program was established to prevent the economic and social harm that may affect state employees and their families when the employee is faced with a catastrophic loss to his or her personal property, and lacks sufficient accumulated leave to maintain income and medical insurance during the period of absence from work.

II. KENTUCKY REVISED STATUTES & REGULATIONS

KRS 18A.005 Definitions for KRS 18A.203.

As used in KRS 18A.005 unless the context requires otherwise:

1. “Employee” means any employee of the Commonwealth of Kentucky who is entitled to accrue annual leave and for whom accurate leave records are maintained; and
2. “State agency” or “agency” means any agency of the executive, legislative or judicial branch of the state government.

III. GENERAL PROVISIONS

A. KDLA Policy Statement Regarding Annual Leave Sharing Program Requests

The Kentucky Department for Libraries and Archives has acknowledged and adopted the Governor’s Office of Technology’s statement regarding “Acceptable Use Policy of Email and Internet” technologies for internal use. In that statement, employees are advised to refrain from using these communication mediums for personal use. Therefore, annual leave sharing requests shall not be placed on any email communication (including the Weekly Window) and routed through the agency for any reason. This includes requests **from or for** employees both inside and outside the agency.

B. Ineligible Employees

Pursuant to the definition of "Employee" as provided by KRS 18A.005, employees who are not entitled to earn annual leave are not eligible for participation in the annual leave sharing program. This would include per diem employees and part-time employees. Employees who are on educational leave or who have officially been placed on leave without pay are also ineligible.

C. Transfer of Annual Leave

Pursuant to KRS 18A.203 (2)(b) donated annual leave will be transferred to the recipient only after the recipient's accumulated annual and compensatory leave balances have been exhausted. Once this has occurred, the total amount of the approved donated annual leave will be credited to the recipient's annual leave account in accordance with KAR 2:106 Section 3 (5), which states in part that "Transfers of leave shall not exceed the amount requested by the recipient" or 200 work hours, whichever is less. Annual leave shall not be donated in an amount less than seven and one-half (7.5) hours. If the donated leave exceeds the requested amount, the payroll officer will advise the donor's agency of the actual amount transferred. If there is more than one donation being made at the same time and the combined donations result in an excessive amount, the excessive amount is returned to the last donor(s).

D. Unused Annual Leave

Annual leave accrued by a recipient while on annual leave with pay under this program is used before donated annual leave in accordance with KAR 2:106 Section 3 (10). Pursuant to KAR 2:106 Section 3 (11) unused donated annual leave shall be restored to the donors in reverse order of donation. If multiple donors donate annual leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.

E. 101 KAR 2:106 Section 3. Annual Leave Sharing Procedures

1. The ten (10) consecutive days of leave required for eligibility may be leave with or without pay.
2. Annual leave sharing shall not be authorized for mere convenience or employee preference.
3. Annual leave shall not be donated in an amount less than seven and one-half (7.5) hours and shall not exceed 200 donated hours.

IV. PROCEDURES

A. Annual Leave Sharing Forms

In order to insure compliance with KRS 18A.203, annual leave sharing forms have been developed to facilitate the requests of both the recipient and donor of annual leave. These forms can be obtained from the agency personnel/payroll office.

B. Application Process

1. The recipient completes his/her part of the annual leave sharing form, identifying the amount of annual leave needed and provides a reason why transferred leave is needed. The reason should include a brief description of the nature, severity, and anticipated duration of the emergency. It should also provide an explanation as to why the employee has failed to accumulate a sufficient leave balance to cover the period of absence required.
2. The recipient's annual leave sharing form is then submitted to the agency personnel/payroll office. Whenever possible, it should be submitted before the recipient's leave balances have been exhausted. Upon receipt, the personnel/payroll office will review it for completeness and confirm eligibility. It is then forwarded to the State Librarian/Commissioner's Office for consideration. If approved, a file is created in the payroll office and a copy of the approved form is sent to Personnel Processing in the Personnel Cabinet. Donated annual leave shall not be utilized retroactively except to cover the period between the date the request was submitted to the employee's supervisor or agency representative and the date of approval by the appointing authority.
3. The donor completes the annual leave sharing form identifying the number of annual leave hours he wishes to donate and submits the form to his/her payroll officer. The payroll officer reviews it and verifies that the amount of donated annual leave will not reduce the donor's annual leave balance below seventy-five (75) hours. Upon verification, the payroll officer obtains the appointing authority's approval and sends a copy of the approved form to the recipient's payroll officer and to Personnel Processing in the Personnel Cabinet. Donated annual leave shall be used in the order in which it is donated, and on consecutive days.
4. If the recipient's leave balances have already been exhausted, the recipient's payroll officer would immediately transfer the donated annual leave to the recipient upon receipt of the donor form. If the recipient's annual and compensatory leave balances had not yet been exhausted, the payroll officer would hold all donations until this event occurs and at that time all donations, up to that amount requested by the recipient, would be transferred to the recipient. The annual leave sharing recipient shall also be responsible for monitoring the amount of annual leave donated and used. Leave that an employee accrues while receiving donated annual leave shall be used before donated annual leave.
5. Following the transfer of the donated annual leave, the recipient's payroll officer would notify the donor's payroll officer by memorandum of the exact amount transferred and provide for an adjustment in the event that the total donations exceeded the amount requested. The recipient's payroll officer would provide a copy of this memorandum to Personnel Processing and the donor's payroll officer would forward a copy to the donor(s).

6. Upon the recipient's return to work the payroll officer will verify whether or not an unused balance of donated annual leave exists and, if so, the donor(s) payroll officer would be notified by memorandum of the amount of annual leave which is to be returned to donor(s). The recipient's payroll officer would provide a copy of this memorandum to Personnel Processing and the donor's payroll officer would forward a copy to the donor(s).